IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6127 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

RAVINDRASINH N. KALSI

Versus

ZAVERCHAND GAYAKWAD PVT.LTD.

Appearance:

Notice served to the Petitioner

RULE SERVED for Respondent No. 1

CORAM : MR.JUSTICE R.K.ABICHANDANI

Date of decision: 12/01/2001

ORAL JUDGEMENT

1. The petitioner challenges the award of the Labour Court, Vadodara in Reference No. 164/1979 made on 25/11/1985 and published on 17/1/1986 on the ground that the Labour Court committed an error in denying full backwages to the petitioner while reinstating him.

2. The petitioner's service was terminated on 15/7/1978. The Labour Court, on the basis of the material on record, held that the termination was in violation of section 25-F of the Industrial Disputes Act. The Labour Court, therefore, directed that the petitioner be reinstated in service. It however found that the petitioner was gainfully employed from 1/6/1980 to 9/4/1983, and therefore, he was not entitled to backwages for that period. As regards the remaining period, the Labour Court found that the petitioner was an Engineer and it was not difficult for him to obtain an alternative employment, especially in view of the fact that he was already gainfully employed from 1/6/1980 to 9/4/1983. The Labour Court therefore directed that 50% of the wages should be paid to the petitioner for the period that he was not shown to have been employed.

3. It is clear that the order of the Labour Court is made for cogent reasons and the direction regarding payment of backwages is given on the basis of the material on record and in the background of the facts and circumstances of the case. The Labour Court has acted in lawful exercise of its jurisdiction in giving the said direction, warranting no interference by this Court in exercise of its jurisdiction under Article 227 of the Constitution, which has been invoked in the petition. The petition is therefore rejected. Rule is discharged with no orders as to costs.

JANUARY 12, 2001 [R.K.ABICHANDANI, J.]

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